

REMARKS/ARGUMENTS

These remarks are made in response to the Office Action of October 17, 2007 (Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due. However, the Office is expressly authorized to charge any deficiencies or credit any overpayments to Deposit Account No. 50-0951.

In the Office Action, Claims 1-4, 8-15, 19, and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,366,302 to Crosby, *et al.* (hereinafter Crosby) in view of U.S. Patent 6,529,218 to Ogawa, *et al.* (hereinafter Ogawa).

Amendments to the Claims

Although Applicants respectfully disagree with the rejections asserted in the Office Action, Applicants have nonetheless amended certain claims so as to facilitate prosecution of the present Application by further emphasizing certain aspects of the claims. However, Applicants respectfully assert that the amendment of claims in this response should not be interpreted as the surrender of any subject matter. Thus, Applicants are not conceding by these amendments and cancellations that any previously submitted claims are not patentable over the references of record. Applicants' present claim amendments are only submitted for facilitating the expeditious prosecution of the present Application. Applicants therefore reserve the right to pursue any previously submitted claims in one or more continuation and/or divisional patent applications.

In this response, Applicants have amended independent Claims 1, 10, and 12 to explicitly recite that that the flyover not only overlaps a portion of the content page in the display area, but that it is configured to occlude any portion of the content page it overlaps. These claim amendments are fully supported throughout the Specification. (See, e.g., FIGs. 1A and 1B, where flyovers 105 and 125 overlap the content of content pages 115 and 135, respectively.) No new subject matter has been added by the amendments.

The Claims Define Over the Cited References

As noted above, independent Claims 1, 10, and 12 were rejected as being anticipated by Crosby. Crosby discloses an enhanced GUI for mobile radiotelephones. In particular, Crosby discloses a GUI that includes for each menu selection a title, an end-of-list indicator, and a dynamic scroll indicator. (See Abstract.) However, Applicants respectfully submit that the GUI disclosed in Crosby fails to disclose or suggest each and every element of the claims.

First, Crosby fails to disclose or suggest the use of a flyover that occludes an overlapped portion of the content page. In fact, Crosby explicitly rejects the notion of purposefully occluding any part of the content page with the dynamic scroll indicator. Crosby discloses that the amount of space taken up by the dynamic scroll indicator should be minimized in order to not interfere with the display of the GUI. As an example, Crosby notes that display for non-latin characters can require an increased number of pixels per line, making display of the scroll indicator difficult without occluding parts of the displayed menu. (See, col. 7, lines 46-60.) In such cases, rather than occlude the menu, the miniature scroll indicator is instead used and placed in a different region of the GUI, as shown in FIG. 5, but not in the display region for displaying the page content.

Applicants assert that well-established practices of the U.S. Patent Office and relevant caselaw clearly support the position that different methods of accomplishing a result are only anticipated if the actual steps and/or structure needed for the method is anticipated, not the result. Accordingly, Crosby cannot anticipate the claimed flyover, as Crosby fails to disclose or even suggest that a dynamic scroll indicator can be placed within the display area of the content page and overlapping the content. In contrast, the claims in the present application recite the flyover is not an element that is placed alongside the display area or in some other part of the GUI. Rather the flyover is

displayed within the display area for content page and is configured to occlude any portion of the content is is overlapping. Such a configuration is advantageous in that it does not require that a region of the GUI be set aside or reserved for indicating whether a content page is scrollable, therefore the amount of area being used for displaying the content page is maximized. Furthermore, such a configuration does not require the user to search in other portions of the GUI for an icons indicating the content page is scrollable, such as with the miniature scroll indicators of Crosby, as the claimed flyover in the display area for the content page clearly cues the user.

Second, Applicants respectfully disagree with the rejection of claims 8 and 19, as asserted in the Office Action. According to the Office Action, such a limitation is disclosed in the following portion of Crosby (Col. 2, lines 37-44):

Accordingly, there is a need for a mobile telephone user interface with an intuitive method of entering data and setting telephone preferences. The intuitive interface will provide a telephone that is easy to use for the novice user. In addition, there is a need for the radiotelephone user interface that incorporates a method for entering data and setting preferences that allows for increased functionality for the more experienced user.

Applicants respectfully disagree. Applicants respectfully submit that although a reference is valid for all the teachings it discloses, the teachings disclosed must still be *interpreted* in terms of all the teachings it discloses. It follows then that the cited portion above must also be interpreted in terms of *all* the teachings of Crosby. Accordingly, when viewed in terms of the entire disclosure of Crosby, it would be apparent to one of ordinary skill in the art that the cited paragraph is nothing more than a disclosure of the motivation for the Crosby disclosure. More specifically, Crosby provides the cited portion only as a disclosure that more intuitive and usable interfaces for navigating through menus used to set preferences are desirable. However, this paragraph does not disclose or suggest a menu for configuring the interface itself. In fact, nowhere does Crosby disclose or suggest any type of interface for configuring the disclosed dynamic

scroll indicators. Additionally, Crosby only discloses two types of indicators, a regular and a miniature scroll indicator, whose use is based on the type of screen or device being used, not on any user preference. In contrast, Claims 8 and 19 explicitly recite that an interface is provided for a user to configuring how the flyovers are presented.

Accordingly, Crosby and Ogawa, separately or in combination with any reference of record, fails to teach or suggest every element recited in independent Claims 1, 10, and 12. Applicants therefore respectfully submit that the independent claims define over the cited references. Furthermore, whereas each of the remaining claims depends from one of independent Claims 1, 10, or 12 while reciting additional limitations, the remaining dependent claims likewise define over the cited references.

CONCLUSION

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

AKERMAN SENTERFITT

Date: January 17, 2008

/Richard A. Hinson/

Gregory A. Nelson, Registration No. 30,577
Richard A. Hinson, Registration No. 47,652
Eduardo J. Quiñones, Registration No. 58,575
Customer No. 40987
Post Office Box 3188
West Palm Beach, FL 33402-3188
Telephone: (561) 653-5000